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SIPDIS

SENSITIVE

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [AM](#)

SUBJECT: GOAM WARNING THE OPPOSITION: OSKANIAN
CONVOKES THE DIPLOMATIC CORPS

REFS: A) Yerevan 947; b) Yerevan 880

1. (U) Sensitive But Unclassified. Please treat accordingly.

SUMMARY

2. (SBU) On April 26, Foreign Minister Vartan Oskanian convoked the diplomatic corps ahead of planned opposition rallies for April 27. Reading from a non paper (text below) Oskanian indicated that if the opposition carries out its threat to encircle the presidential office to prevent the President from entering upon his return from Europe later this week, Kocharian will invoke Article 55 of the Constitution that, "in the event of an immediate danger to the constitutional order," permits him to "take measures appropriate to the situation." Following Oskanian's statement, the newly appointed Procurator General Aghvan Hovsepian provided the legal framework for this potential action. In closing Oskanian noted that this is a "seemingly critical period in Armenian history" and called on the diplomatic community to help the government to "maintain stability." End Summary.

TEXT OF GOAM NON-PAPER

3. (SBU) The English-language text of the non-paper that Foreign Minister Oskanian gave the diplomatic corps follows. Begin Text:

-- The opposition has been holding public rallies and unreservedly calling for the president's resignation, to be achieved forcefully if necessary.

-- Since such calls are unconstitutional, the organizers have been denied permits to hold public gatherings. Nevertheless, rallies have been held and for the most part, without interference by the authorities.

-- On the night of April 12-13, the opposition went beyond words, and disturbed the peace and the normal activities of the citizenry. At that time, the police had no choice but to take steps to disperse the crowd.

-- We appreciate the concern and attention of the international community to these events, have taken note of their content, and understand fully the clear call for restraint and negotiations.

-- What was missing from the statements of the international community was a clear condemnation of resorting to forceful change of government. This has been understood by some in the opposition as tacit affirmation of their positions.

-- Although the various elements of the opposition have united, and although they have been attempting to rally public support for a whole year, those gathered for these demonstrations remain a very small minority of the population, having at no time exceeded 7,000 or 8,000, by even the most liberal counts.

-- The opposition has rejected all calls by the members of the ruling coalition and the government to enter into a dialogue. The Coalition partners in the National Assembly have offered the opposition--which is a minority in the National Assembly--veto rights in three of the most contentious matters that will be placed before the assembly: electoral reform, constitutional reform, and legislative reform to support the anti-corruption strategy. The opposition has rejected this offer.

-- According to our information, the opposition's plans for the demonstration to be held on April 27 are most extreme and will inevitably result in a confrontation with the authorities. The plan, called Operation Ring, has also been leaked to the press. It calls for encircling the presidential offices from both ends of Baghramian Avenue, and Demirchian Avenue, so that President Kocharian will be unable to enter the building when he returns from his European trip.

-- This action is seen by the authorities to be a threat to the maintenance of public order. Such action contradicts not only Armenian law but also international norms which stress that the exercise of freedoms carries with it duties and responsibilities as prescribed by law, and necessary in a democratic society in the interests of national security and public safety.

-- If the opposition follows through with their plan, the President will invoke Article 55/14 of the Constitution of the Republic of Armenia which states: "In the event of an immediate danger to the constitutional order and upon consultations with the president of the National Assembly and the Prime Minister, [the President] shall take measures appropriate to the situation and address the people on this subject."

-- No democracy will tolerate attempts to forcefully change constitutionally elected officials. The opposition insists that the presidential election of 2003 was not legitimate. Yet despite observations of irregularities, no international observer group claimed that the results did not reflect the will of the people. The opposition is resorting to unconstitutional steps to pursue personal vendettas, and does not enjoy broad-based popular support.

-- Armenia will continue to expand its democratic institutions, go forward with its Council of Europe obligations in reinforcing human and civil rights.

-- For Armenia to be able to further deepen these processes and systems, we need an opposition that is constructively engaged. Unfortunately, the leadership of Armenia's opposition has taken an entirely different path.

-- The Armenian government continues to call on members of the opposition to resist unconstitutional acts and not to resort to violence to achieve their aims. The rights of journalists and those peacefully assembled will be respected. Those who have heretofore acted unlawfully and prevented the right of journalists to free access are being investigated and will be punished within the provisions of the law.

-- The Armenian government calls on the international community to understand the causes of the current situation and engage positively in trying to prevent such excessive, unrealistic, legally unacceptable and politically baseless machinations.

Yerevan
26 April 2004

End Text.
WALKER